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Roselynn D. Scarfo

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Joseph Chappell et al. Art Unit: 1652
Serial No.: 09/576,057 Examiner: N. Nashed
Filed: May 23, 2000 Customer No.: 21559
Title: CHIMERIC ISOPRENOID SYNTHASES AND USES THEREOF

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Assistant Commissioner for Patents
Washington, DC 20231

REPLY TO REQUIREMENT FOR RESTRICTION

In reply to the Examiner's action mailed March 8, 2002, Applicants elect the invention of Group I (claims 1-9). The election is made with traverse.

Applicants request reconsideration and withdrawal of the restriction requirement for the following reasons. The invention features chimeric isoprenoid synthase polypeptides, nucleic acid sequences, and host cells expressing the same. The Examiner restricts the present claims into twelve groups, asserting the twelve groups encompass distinct inventions.

Applicants note that each of the claims is generic; there is no claim that covers one species but doesn't cover other species. The M.P.E.P. § 809.02 (d) states, "[W]here only generic claims are presented, no restriction can be required except in those applications where the generic claims recite such a multiplicity of species that an unduly extensive and burdensome search is necessary." Applying this standard, Applicants argue rejoinder of all groups for examination would not present an unduly burdensome search. The restriction groups are classified in a single

class (class 514), and in one of two subclasses (subclasses 232 (Groups I-VI) or 410 (Groups VII-XII)). Applicants submit that examination of all of the claims would not place a serious burden on the Examiner. For this reason, Applicants request that the restriction requirement be withdrawn.

CONCLUSION

Applicants respectfully request that the restriction requirement be withdrawn and that all of the claims of all of the groups be examined together. Enclosed is a petition to extend the period for replying for two months, to and including June 8, 2002. If there are any charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date:

June 10, 2002

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